

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, April 8, 2014

City Council Chamber

4:00 p.m.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Council President Kincaid called the meeting to order. The following members were present: Council Members David Duax, Catherine Emmanuelle, Kerry Kincaid, David Klinkhammer, Eric Larsen, Monica Lewis, Kathy Mitchell, David Strobel, Bob Von Haden, Andrew Werthmann, and Michael Xiong.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for the following items of routine business on Tuesday, April 8, 2014:

- Approving Minutes of the Regular City Council Meeting of March 25, 2014.
- Granting new bartender licenses.
- Granting a new Secondhand Article Dealer license to O2Ex3 Limited Liability Company, d/b/a O2Ex3 LLC, 930 Galloway Street.
- Authorizing the American Marketing Association and Golden Key International Honor Society to conduct the AMA Fun Run on Saturday, May 3, 2014 on the UW-EC campus and along city trails and sidewalks.
- Authorizing the Eau Claire County Humane Association to conduct the Fido and Friends Fun Run/Walk on May 17, 2014 in Carson Park.
- Authorizing the Cystic Fibrosis Foundation to conduct Great Strides of Eau Claire on Saturday, May 17, 2014 at Carson Park, and along city sidewalks and trails.
- Authorizing the St. Olaf Catholic Church to conduct the St. Olaf Fun Fest 5K on Saturday, May 17, 2014 at St. Olaf Catholic Church and along city trails and sidewalks.
- Authorizing the Eau Claire United Soccer Club to conduct the Eau Claire United Soccer Tournament on June 13-15, 2014 in the Eau Claire Soccer Park.
- Authorizing the U.S. National Kubb Championship Organization to conduct the National Kubb Championship on July 11-13, 2014 at the Eau Claire Soccer Park.
- Authorizing the Chippewa Valley Blues Society to conduct Tuesday Night Blues in Owen Park on Tuesday evenings from May 27, 2014 through September 2, 2014 at Owen Park with the Tuesday, August 5, 2014 concert to be held in Phoenix Park.
- Authorizing Eau Claire Municipal Band, Inc. to conduct the Municipal Band Concerts on Wednesday evenings June 11-July 30, 2014 at Owen Park.
- Authorizing an application to the Wisconsin Department of Natural Resources for trail maintenance.
- Authorizing an application to the Wisconsin Department of Natural Resources for a Stewardship Grant for acquisition of 1616 and 1625 Loken Lane.
- Approving the bid and proposal for Procurement No. 2014-29, Furnish Bituminous Patching Material.

- Approving the bid and proposal for Procurement No. 2014-30, City of Eau Claire Comprehensive Plan Update.

Council Members requested that Items 14, Authorizing an application to the Wisconsin Department of Natural Resources for trail maintenance and Item 15, Authorizing an application to the Wisconsin Department of Natural Resources for a Stewardship Grant for acquisition of 1616 and 1625 Loken Lane be removed from the Consent Agenda and voted upon separately. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Von Haden “to adopt the remainder of the consent agenda items”. Said motion passed by unanimous vote.

GRANT APPLICATIONS

The Council considered a resolution authorizing an application to the Wisconsin Department of Natural Resources for trail maintenance. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Xiong “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution authorizing an application to the Wisconsin Department of Natural Resources for a Stewardship Grant for acquisition of 1616 and 1625 Loken Lane. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Mitchell “to adopt the resolution”. Thereupon a motion was offered by Council Member Duax and seconded by Council Member Von Haden “to amend the resolution by changing the wording in the second Whereas paragraph from ‘Whereas, the property at 1625 Loken Lane *is desirable* for a future trail extension along the Chippewa River’ to ‘Whereas, the property at 1625 Loken Lane *may be considered* for a future trail extension along the Chippewa River’.” Said motion to amend failed on the following vote: Aye: Council Members Duax, Larsen, Lewis, Strobel and Von Haden. Nay: Council Members Emmanuelle, Kincaid, Klinkhammer, Mitchell, Werthmann and Xiong. The Council then voted on the original motion to adopt the resolution. Said resolution was adopted by unanimous vote.

PROCLAMATION

Council President Kincaid, on behalf of the City Council, proclaimed the week of April 7 – 13 as National Public Health Week in the City of Eau Claire.

LICENSES

The Council considered a resolution granting a temporary expansion of the Combination Class B Intoxicating Liquor and Fermented Malt Beverage licensed premise of James Girolamo, d/b/a Girolamo’s Court ‘N House, 113 West Grand Avenue on May 4, 2014, for a spectator area for the Eau Claire Marathon. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Duax “to adopt the resolution”. Said motion passed by unanimous vote.

BUDGET ADJUSTMENTS

The Council considered a resolution authorizing the 2013 fourth quarter budget adjustments and carryovers and the 2014 first quarter budget adjustments. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Emmanuelle “to adopt the resolution”. Said motion passed by unanimous vote.

The City Council considered a resolution authorizing the write-off of uncollectible accounts receivable and delinquent personal property taxes. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Von Haden “to adopt the resolution”. Said motion passed by unanimous vote.

DONATION

The Council considered a resolution accepting the Sculpture Tour’s 2013 People’s Choice Award sculpture, “A Mothers Undivided Love”, as a donation to be displayed in Carson Park. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Xiong “to adopt the resolution”. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Von Haden “to amend said resolution by deleting the fourth Whereas clause and the Therefore Be It Resolved paragraph and inserting the following language:

Whereas, ‘A Mother’s Undivided Love’ won the votes of the public and will be displayed at a location to be determined by the City Council.

Therefore Be It Resolved by the City Council of the City of Eau Claire, that the donation of the sculpture "A Mother's Undivided Love" be and hereby is accepted subject to the following conditions:

- a. That the BID districts meet with Sculpture Tour of Eau Claire to determine if the agreement should be changed to allow sculptures to be placed in the various commercial districts and report their recommendation to the Council.
- b. That the issue of responsibility for maintenance of these Sculpture Tour sculptures be discussed and a recommendation made by the BID districts to the Council.”.

Thereupon a motion was offered by Council Member Mitchell and seconded by Council Member Emmanuelle “to amend the offered amendment as follows:

In the Therefore Be It Resolved paragraph delete the words ‘subject to the following conditions’ and delete the conditions, and insert the words ‘and displayed in Carson Park’.

And that a Be It Further Resolved paragraph be added to read:

Be It Further Resolved, that

- a. That the BID districts meet with Sculpture Tour of Eau Claire to determine if the agreement should be changed to allow sculptures to be placed in the various commercial districts and report their recommendation to the Council.
- b. That the issue of responsibility for maintenance of these Sculpture Tour sculptures be discussed and a recommendation made by the BID districts to the Council.

Said motion passed by the following vote: Aye: Council Members Emmanuelle, Kincaid, Klinkhammer, Larsen, Mitchell, Werthmann and Xiong. Nay: Council Members Duax, Lewis, Strobel and Von Haden. Thereupon a motion was offered by Council Member Xiong and seconded by Council Member Larsen “to amend the motion by adding the words ‘or parks’ after

‘various commercial districts’ in sub-paragraph a of the Be It Further Resolved paragraph. Said amendment passed by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchel, Werthmann and Xiong. Nay: Council Members Strobel and Von Haden. The Council then voted on the amendment as amended. Said motion passed by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Strobel, Werthmann and Xiong. Nay: Council Member Von Haden. The Council then voted on the motion to adopt the resolution, as amended. Said resolution was adopted by the following vote: Aye: Council Members Duax, Emmanuelle, Kincaid, Klinkhammer, Larsen, Lewis, Mitchell, Strobel, Werthmann and Xiong. Nay: Council Member Von Haden.

AGREEMENTS

The City Council considered a resolution allowing an addendum to the Jeffers Road City/County Brush Site Agreement allowing the collection of yard waste. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Mitchell “to adopt the resolution”. Said motion passed by unanimous vote.

The Council considered a resolution approving the Joint Law Enforcement Center Lease with Eau Claire County. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Duax “to adopt the resolution”. Said motion passed by unanimous vote.

COMPREHENSIVE PLAN UPDATE

The Council considered a resolution approving the City of Eau Claire Comprehensive Plan Update work program, schedule, and public participation plan. Thereupon a motion was offered by Council Member Larsen and seconded by Council Member Emmanuelle “to adopt the resolution”. Said motion passed by unanimous vote.

RECONSIDERATION – MENOMONIE STREET PROJECT

A motion to reconsider the vote taken on March 25 regarding street and utility improvements on Menomonie Street, N. Clairemont Avenue to Carson Park Drive (14-204) had been placed on the Council agenda at the request of Council Members Larsen and Klinkhammer. Council Member Larsen withdrew his motion. No other council member took up the motion.

CANCELLATION OF COUNCIL MEETING

The City Council considered a resolution cancelling the Monday, May 26, 2014 and Tuesday, May 27, 2014 City Council meetings due to the Memorial Day Holiday. Thereupon a motion was offered by Council Member Lewis and seconded by Council Member Von Haden “to adopt the resolution”. Said motion passed by unanimous voice vote.

PARKING

The City Council considered an ordinance amending Table VIII of the City Code of Ordinances entitled "Parking Prohibited," by adding Starr Avenue, west side, from North Lane to Melby Street. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Xiong "to adopt the resolution". Said motion passed by unanimous vote.

The Council considered an ordinance amending Table VIII of the City Code of Ordinances entitled "Parking Prohibited," by adding Menomonie Street, both sides, from Clairemont Avenue to Tenth Avenue and deleting the following:

- Menomonie Street, both sides, from Clairemont Avenue to 50 feet east of the Chicago and Northwestern spur track;
- Menomonie Street, the north side, from 125 feet to 300 feet west of Tenth Avenue;
- Menomonie Street, the south side, from Tenth Avenue to a point 100 feet west of Tenth Avenue;
- Menomonie Street, the south side, from a point 150 feet west of Tenth Avenue to a point 600 feet west of Tenth Avenue.

Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Mitchell "to adopt the resolution". Said motion passed by unanimous vote.

The Council considered an ordinance amending Table VIII of the City Code of Ordinances entitled "Parking Prohibited," by adding Water Street, both sides, from Tenth Avenue (southern approach) to 220 feet east of Tenth Avenue (southern approach) and deleting Menomonie Street, the south side, from Tenth Avenue to a point 75 feet east of Tenth Avenue. Thereupon a motion was offered by Council Member Strobel and seconded by Council Member Duax "to adopt the resolution". Said motion passed by unanimous vote.

ADJOURNMENT

A motion was offered by Council Member Von Haden and seconded by Council Member Werthmann "that this meeting does now adjourn." Said motion passed by unanimous voice vote.

Adjournment: April 8, 2014

Time: 6:21 p.m.

ATTEST:

Kerry J. S. Kincaid, President

Donna A. Austad, City Clerk